

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- v. -

FERNANDO RODRIGUEZ,

Defendant.

- - - - - X

:
: **SUPERSEDING INFORMATION**

: S1 20 Cr. 174 (SHS)

COUNT ONE

The United States Attorney charges:

1. From in or about 2013, up to and including in or about 2018, in the Southern District of New York and elsewhere, FERNANDO RODRIGUEZ, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Sections 1343 and 1346.

2. It was a part and an object of the conspiracy that FERNANDO RODRIGUEZ, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and to deprive a non-profit housing and social services organization ("Organization-1") of its intangible right to the honest services of its President and CEO ("CC-1"), would and did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings,

signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Sections 1343 and 1346, to wit, RODRIGUEZ and CC-1 devised a scheme in which CC-1 directed business--namely, construction projects at buildings in the Bronx, New York, where Organization-1 intended to provided services--to Rodriguez's company in exchange for kickbacks.

(Title 18, United States Code, Section 1349.)

COUNT TWO

The United States Attorney further charges:

3. From at least in or about 2012, up to and including at least in or about 2019, in the Southern District of New York and elsewhere, FERNANDO RODRIGUEZ, the defendant, and others known and unknown, knowingly and willfully combined, conspired, confederated, and agreed together and with each other to commit health care fraud, in violation of Title 18, United States Code, Section 1347.

4. It was a part and an object of the conspiracy that FERNANDO RODRIGUEZ, the defendant, and others known and unknown, would and did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program, to wit, Medicaid, and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and

control of, a health care benefit program, to wit, Medicaid, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

(Title 18, United States Code, Section 1349.)

COUNT THREE

The United States Attorney further charges:

5. From at least in or about 2012, up to and including at least in or about 2019, in the Southern District of New York and elsewhere, FERNANDO RODRIGUEZ, the defendant, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud a health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, to wit, RODRIGUEZ submitted and caused to be submitted to Medicaid numerous eligibility applications that falsely represented his income and that of a co-conspirator not named as a defendant herein ("CC-2"), in order to fraudulently obtain insurance benefits and claim payments to which RODRIGUEZ and CC-2 were not entitled.

(Title 18, United States Code, Sections 1347 and 2.)

FORFEITURE ALLEGATIONS

6. As a result of committing the offense alleged in Count One of this Information, FERNANDO RODRIGUEZ, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

7. As a result of committing the offenses alleged in Counts Two and Three of this Information, FERNANDO RODRIGUEZ, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;


c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 & 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



AUDREY STRAUSS
United States Attorney

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(18 U.S.C. §§ 1347, 1349, 2)

AUDREY STRAUSS

United States Attorney
